

**STATEMENT OF
COMMISSIONER JESSICA ROSENWORCEL**

Re: *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Report and Order on Remand and Fourth Further Notice of Proposed Rulemaking (August 6, 2020)

It is never too late for justice. It is never too late to do the right thing. But some things can try your patience. The painfully slow pace of the efforts of the Federal Communications Commission to right the wrong of prison phone rates is one of them.

It's been seventeen years since Martha Wright filed a petition calling on this agency to do something about the unconscionable rates families of the incarcerated pay just to keep in touch. Martha Wright was not motivated to do this by corporate interests that show up regularly in our halls. She was not seeking attention. She was a grandmother who simply wanted to keep in touch with her grandson.

She knew then what we all know now. For those who are incarcerated and their loved ones, talk does not come cheap. Prisoners are often separated from their families by hundreds of miles, and families may lack the time and means to make regular visits. So calls from payphones are the only way to stay connected. But the price of individual calls can be as much as many of us pay for unlimited monthly plans. This makes it hard for the families of prisoners to stay in touch. This is not just a strain on the household budget. It is a cruel strain on the millions of families and children of the incarcerated—and it harms all of us because regular contact with kin can reduce recidivism.

This agency should be embarrassed. The fact that it has taken us so long to fix this problem is especially shameful now as we wrestle with a health crisis that has made our prisons less safe and in-persons visits no longer viable.

But here we are. So today's order is welcome, even if it is overdue. More than three years after a court sent our work on this issue back to the agency, today we pick and move ahead. To remedy the excesses in interstate rates, we propose new rate caps. We also properly assert our authority over ancillary fees, which can easily be abused and used as a backdoor effort to raise rates. We are also upfront about our jurisdictional challenges. Addressing intrastate rates is complicated, but an essential part of reform. Doing so will require greater coordination with state authorities and perhaps even legislation.

This is the kind of candor we need. Because the United States is home to the largest incarcerated population in the world, with 2.3 million people in our prisons, jails and immigration detention facilities. No other country comes close. Collectively we spend over a quarter of a trillion dollars a year to keep our criminal justice system in place. But that understates the real cost—swelling despair, destroyed potential, and diminished possibilities for rehabilitation.

So let's acknowledge this rulemaking is progress. It's a step forward in making communications more just for all. But we never would have reached this point without a handful of women who have led the way. It started with a grandmother—Martha Wright. We also owe a debt of gratitude to former Commissioner Mignon Clyburn for her work to press this issue. Plus we should praise Senator Tammy Duckworth who has, year after year, sought to fix prison payphone rates, including those intrastate calls, which represent the bulk of calls made today and are in dire need of reform. I'm proud to have written an editorial with her about it late last year.

But there's someone else who deserves credit, and that's former FCC Chairman Julius Genachowski. After all, it was under his watch that the agency first showed the moral courage necessary to pick up this petition and make the case for reform.

It has taken too long to get here. We are now due for some speed. So I look forward to the record that develops and hope we move ahead at a rapid pace. Justice here has been delayed but it should no longer be denied.